Reporting In-Custody Deaths

516.1 PURPOSE AND SCOPE

This policy provides direction on how in-custody deaths shall be reported.

516.1.1 DEFINITIONS

Definitions related to this policy include:

In-custody death - The death of any person, for whatever reason (natural, suicide, homicide, accident), who is in the process of being booked or is incarcerated at any facility of this office.

516.2 POLICY

It is the policy of this office to follow state and local guidelines for reporting in-custody deaths.

516.3 MANDATORY REPORTING

All in-custody deaths shall be reported as required.

If the decedent is a boarder for another agency, the Chief Deputy of Corrections shall notify that agency so that agency will assume responsibility for the notification of the decedent’s family.

Pursuant to Article 37 of the Vienna Convention on Consular Relations 1963, in the case of the death of a foreign national, telephonic notification to the appropriate consulate post should be made without unreasonable delay and confirmatory written notification shall be made within 72 hours of the death to the appropriate consulate post. The notification shall include the inmate’s name, identification number, date and time of death and the attending physician’s name.

In the event that a juvenile dies while in-custody, the Chief Deputy of Corrections or the authorized designee shall notify the court of jurisdiction and ensure notification to the juvenile's parent or guardian.

516.4 PROCEDURE

Upon determining that a death of any person has occurred while in the custody of this office, the Shift Supervisor is responsible for ensuring that the Sheriff and all appropriate investigative authorities, including the Coroner, are notified without delay and all written reports are completed.

The Shift Supervisor shall also promptly notify the Chief Deputy of Corrections and make any other notifications required by policy or direction. The Chief Deputy of Corrections shall observe all pertinent laws and allow appropriate investigating agencies full access to all facts surrounding the death (RCW 68.50.010).

The Office shall establish policies and procedures for the investigation of any in-custody death.

The decedent’s personal belongings shall be disposed of in a responsible and legal manner (RCW 36.24.130). All property and records shall be retained according to established records retention schedules (WAC 44-14-03005).

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The individual designated by the decedent shall be notified of all pertinent information as required by law.

During an investigation, all inquiries regarding the death shall be referred to the Public Information Officer. Corrections deputies shall not make a public comment.

516.5 IN-CUSTODY DEATH REVIEW

The Sheriff is responsible for establishing a team of qualified staff to conduct an administrative review of every in-custody death. At a minimum, the review team should include the following:

(a) Sheriff and/or the Chief Deputy of Corrections

(b) Prosecuting Attorney

(c) Investigative staff

(d) Responsible Physician, qualified health care professionals, supervisors or other staff who are relevant to the incident

The in-custody death review should be conducted no later than 72 hours after the incident.

516.5.1 UNEXPECTED-FATALITY REVIEW

When the death of an inmate is unexpected, the Sheriff or the authorized designee shall conduct an unexpected-fatality review by appointing an unexpected-fatality review team that meets the requirements of RCW 70.48.510. The review should include recommendations regarding changes in practices or policies to prevent fatalities and strengthen safety and health protections for inmates in custody.

Upon conclusion of the review, the Sheriff shall, within 120 days following the fatality, issue a report of the results and distribute it to the governing unit with primary responsibility for the operation of the correctional facility, and appropriate committees of the legislature. The report is subject to public disclosure, but confidential information may be redacted consistent with the requirements of applicable state and federal law.

The Sheriff is responsible for developing and implementing procedures to carry out the responsibilities of the review.

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